



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:24.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

**Cont P(MD).No.260 of 2021**

WEB COPY

1.K.Senthilkumar

2.S.Kalpanadevi

... Petitioners/Petitioners

Vs.

1.Thiru.Radhakrishnan, IAS,  
Secretary to Government of Tamil Nadu  
Health and Family Welfare Department,  
Fort St. George, Chennai-600 009.

2.Dr.Selvavinayagam,  
Director of Public Health and Preventive Medicine,  
359, Anna Salai, Thenampet,  
Chennai-600 006.

3.Dr.V.Yasodhaman,  
Deputy Director of Health Services,  
Health and Family Welfare Department,  
Sivaganga, Sivaganga District.

4.Dr.K.Santhoshkumar  
Deputy Director of Health Services,  
Health and Family Welfare Department,  
Karur, Karur District. ... Contemnors/Respondents

**Prayer:** Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the respondents for committing contempt for the wilful disobedience of the order in W.P(MD)No.23893 of 2016, dated 19.03.2019.

Prayer in WP(MD). 23893 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus, calling for the records relating to Lr.No. 41421/AB2/2016-5 dated 03.03.2016 passed by the 1st respondent and quash the same and consequently direct the 1st respondent to absorb us as Data Entry Operators in regular time scale of pay as in the case of other 7 co-employees who were recruited along with us, based on the proposals submitted by the 2nd respondent in R.No. 123635/SBH-1/S2/2005 dated 05.10.2015.



For Petitioner : Mr.S.Govindan  
For Respondents : Mr.M.Muthugeethayan  
Special Government Pleader

**O R D E R**

The petitioner has filed the writ petition challenging the order of rejection of regularization. This Court disposed of the said writ petition and set aside the rejection order by following the decision of this Court reported in **2017-III-LLJ-333 (Mad) [S.Selvi Jabamalai and others vs. State represented by its Secretary to Government, Labour and Employment, Tamil Nadu and others.]** and issued a direction to the respondents to consider the petitioner's claim on merits and in accordance with law and also in the light of the decision cited supra. For non compliance of the order of this Court, the present contempt petition is filed. After issuing statutory notice, the respondents have rejected the petitioner's request.

2.The learned counsel appearing for the petitioner submitted that already the order of rejection was challenged before this Court and the same was set aside. The earlier decision as cited supra in paragraph No.4, this Court issued a positive direction to regularize all the temporary employee. However, the act of the respondents in rejecting the petitioner's request is a clear abuse of contempt.

3.Per contra, the learned Special Government Pleader appearing for the respondents submitted that the decision of this Court reported in 2017-III-LLJ-333(Mad), cited supra, was challenged before the Division Bench of this Court in W.A.Nos.748, 753 and 772 of 2019, dated 25.01.2021, wherein, the Division Bench had held that the writ petitioners therein cannot seek for regularization of their service, as a matter of right and consequently, the positive direction issued by the learned Single Judge for consideration of the claim of the writ petitioners cannot be sustained. In such view of the matter, the decision, which was followed by the learned Single Judge was set aside by the Division Bench of this Court. Hence, the order of this Court has been complied with.

4.The facts in the present case are not in dispute. Admittedly, this Court allowed the writ petition by following the decision of this Court reported in 2017-III-LLJ-333(Mad), which was challenged before the Division Bench of this Court in W.A.Nos.748, 753 and 772 of 2019 and the said writ appeal was disposed of by setting aside the order of the learned Single Judge. Further, this Court had issued a direction to the respondents to consider the claim of the petitioner in accordance



with law. As per the direction, the respondents had rejected the petitioner's request, on 15.03.2021. Hence, no contempt of Court would arise. Accordingly, this Contempt Petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law, if so aggrieved.

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Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.Thiru.Radhakrishnan, IAS,  
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Deputy Director of Health Services,  
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Sivaganga, Sivaganga District.
- 4.Dr.K.Santhoshkumar  
Deputy Director of Health Services,  
Health and Family Welfare Department,  
Karur, Karur District.

+1 CC to M/s.SPL GP ( SR-13582[F] dated 25/03/2021 )

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**24.03.2021**

SSS(CO)

TR(06.05.2021) 3P 6C